

JUL - 8 2015

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Fernando Garcia Jr.
A208 279 483
United States CitizenPRINCIPAL
YOB: 1954

Case Number:

M-15-1107-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 06, 2015 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact Kodac Laureano-Chino and Claudia Elena Laureano-China, citizens and nationals of the United Mexican States, along with two (2) other undocumented aliens, for a total of four (4) who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Fronton, Texas to the point of arrest near Roma, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On July 6, 2015, at approximately 10:30 p.m., Border Patrol Agent Joel Chapa responded to suspicious activation near Fronton, Texas. BPA Chapa observed foot sign heading north from the Rio Grande River into the community of Fronton, Texas and after following the foot sign Agent Chapa observed a tan Tahoe driving away from the area where he had observed the foot sign. BPA Chapa notified aerostat Alpha 5 to follow the vehicle as it drove north on FM 650 and was the only vehicle on the road. Alpha 5 confirmed that he had visual of the vehicle traveling north from Fronton and maintained visual until responding agents were able to locate the Tahoe. From the description given by BPA Chapa and the assistance from Alpha 5, BPA Moreno was able to locate the Tahoe it at the intersection of Gonzalez Avenue and Highway 83 in Roma, Texas. Once behind the vehicle, Agent Moreno was able to observe several subjects lift their heads from the behind the back seat and quickly conceal themselves. After turning onto Flores Street, Agent Moreno was able to stop the Tahoe to perform an immigration inspection.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

Approved by
Joseph Leonard

☒ Yes ☐ No

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Signature of Complainant

Julio Ibarra Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

July 8, 2015

Date

at McAllen, Texas
City and State

Nancy K. Johnson U. S. Magistrate Judge
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15-//67M

RE: Fernando Garcia Jr.

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CONTINUATION:

After inspection it was found that the driver of the Tahoe, Fernando Garcia Jr., was a citizen of the United States. The four other passenger were questioned to their status and all admitted to being in the United States illegally. The driver of the vehicle, Fernando Garcia Jr., was arrested and read his rights by BPA Ramirez. The driver and the subjects were transported to the Rio Grande City Border Patrol station for further processing.

PRINCIPAL STATEMENT:

Once at the Rio Grande City Border Patrol Station, Fernando Garcia was advised of his Miranda Rights by BPA M. Zaldumbide and witnessed by BPA G. Duberney. Garcia stated that he wished to have an attorney present and did not provide a statement to agents.

MATERIAL WITNESS STATEMENTS:

Kodac LAUREANO-Chino and Claudia Elena LAUREANO-China were advised of their Miranda Rights as in the Spanish language both signed the form indicating that they understood their rights and were willing to provide a sworn statement without the presence of an attorney.

MATERIAL WITNESS STATEMENT 1:

Kodac LAUREANO-Chino, a citizen and national of Mexico, stated he made arrangements once at the border with a subject he knows as "El Poncho" and agreed to pay \$5,800 USD to be taken to Minnesota. LAUREANO-Chino stated he was taken to a hotel in Miguel Aleman where he stayed for five days before crossing into the United States illegally. LAUREANO-Chino stated once at the river, he crossed with three others and two guides. LAUREANO-Chino stated the guide instructed them to walk through the brush and there was going to be a vehicle waiting for them. LAUREANO-Chino stated they walked for 15 minutes until they saw a beige or silver color large vehicle. LAUREANO-Chino the driver instructed him to jump in the back seat and lay down. LAUREANO-Chino stated subject drove for 5 to 10 minutes until he told us to sit up. LAUREANO-Chino positively identified the driver of the vehicle as Fernando Garcia through a photo lineup.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15-//07-M

RE: Fernando Garcia Jr.

A208 279 483

CONTINUATION:

MATERIAL WITNESS STATEMENT 2:

Claudia Elena LAUREANO-China, a citizen and national of Mexico, stated her father made her smuggling arrangements to be smuggled to Minnesota. Once in Minnesota, Laureano was to pay an additional \$5,600. LAUREANO stated she spent five days at a hotel in Miguel Aleman, Tamaulipas, Mexico. On the fifth day, LAUREANO was transported by taxi the Rio Grande River. LAUREANO crossed the river with four aliens and two guides. The guides instructed the group to walk straight and a vehicle will be waiting for them. Once at the road, LAUREANO stated a beige or light brown large vehicle was waiting for them. LAUREANO stated she knew that was the pickup vehicle because the driver, later identified as GARCIA, Fernando, was waving and yelling for the group to hurry up. LAUREANO stated she attempted to get in the back of the vehicle but was instructed by GARCIA to sit in front. LAUREANO continued to state that GARCIA instructed the rest of the group to sit in the back and to get down and hide. GARCIA then instructed LAUREANO to put on her seatbelt. LAUREANO described GARCIA an older man wearing a hat. LAUREANO stated that GARCIA appeared nervous and was constantly looking around. After approximately five minutes GARCIA spotted Border Patrol and told the group "Looks like they are going to send us back." LAUREANO stated they were then pulled over by Border Patrol. LAUREANO was shown a photo line-up and positively identified GARCIA, Fernando as the driver of the vehicle.